

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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STEVEN G. WICKS, GERALD A.  
KALBFLEISCH, and MICHAEL and :  
MYRTLE HATHAWAY :  
 :  
Plaintiffs, :  
 : Civil Action  
- against - : No. 04-10988-GAO  
 :  
PUTNAM INVESTMENT MANAGEMENT, : ORAL ARGUMENT  
LLC and PUTNAM RETAIL : REQUESTED  
MANAGEMENT, LLP :  
 :  
Defendants. :  
----- X

**PUTNAM INVESTMENT MANAGEMENT, LLC'S  
AND PUTNAM RETAIL MANAGEMENT, LLP'S (i) MOTION FOR  
SUMMARY JUDGMENT ON THE CLAIMS OF STEVEN G. WICKS, AND (ii)  
MOTION TO STAY DISCOVERY BASED, ON WICKS' LACK OF STANDING**

Pursuant to Fed. R. Civ. P. 56(b), defendants Putnam Investment Management, LLC and Putnam Retail Management, LLP hereby move for summary judgment on the claims of Steven G. Wicks based on Wicks' lack of standing.

Pursuant to Fed. R. Civ. P. 26(c), Putnam also moves for a stay of discovery pending resolution of this motion, and pending resolution of Plaintiffs' motion for leave to file a Second Amended Complaint, filed on June 20, 2005.

The grounds for this motion are set forth in the accompanying memorandum of law. This motion is also supported by Defendants' Local Rule 56.1 Statement, which is also filed herewith.

**REQUEST FOR ORAL ARGUMENT**


Pursuant to Local Rule 7.1(D), Defendants respectfully request a hearing on these motions.

**CERTIFICATION UNDER LOCAL RULES 7.1(a)(2) and 37.1**

The undersigned hereby certifies that counsel for Defendants have conferred with Plaintiffs' counsel and have attempted in good faith to resolve or narrow the issues involved in these motions.

Dated: June 27, 2005  
Boston, Massachusetts

Respectfully submitted,

  
James R. Carroll (BBO #554426)  
David S. Clancy (BBO #636031)  
Scott T. Lashway (BBO #655268)  
SKADDEN, ARPS, SLATE,  
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One Beacon Street  
Boston, Massachusetts 02108  
(617) 573-4800

**Certificate Of Service**

I, Scott T. Lashway, hereby certify that on June 27, 2005, I caused a true copy of the foregoing to be served upon counsel for Plaintiffs, David E. Marder, Esq., Marc N. Henschke, Esq. and Jonathan D. Mutch, Esq., all of Robins, Kaplan, Miller & Ciresi, L.L.P., 800 Boylston Street, Suite 2500, Boston, Massachusetts 02199, and Thomas R. Grady, Esq., Ackerman, Link & Sartory, P.A. 222 Lakeview Avenue, Suite 1250 – Esperante, West Palm Beach, FL 33401.

Dated: June 27, 2005

  
Scott T. Lashway